

# Naples City Council

## June 24, 2021

### Minutes

The regularly scheduled meeting of the Naples City Council was held June 24, 2021, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### *DATE, TIME & PLACE OF MEETING*

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

#### *COUNCIL MEMBERS ATTENDING*

Others attending were Sarah Gray, Fernando Rivera, Luke Lassiter, Tiffany Lassiter, Brooks, Heidi Lundberg, and Joshua Bake.

#### *OTHERS ATTENDING*

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dennis Long offered the invocation.

#### *OPENING CEREMONY*

Mayor Baker asked for approval of the agenda. Joshua Bake stated he had one item under other matters. Robert Hall **moved** to approve the agenda. Dennis Long **seconded** the motion. The motion passed with all voting aye.

#### *AGENDA APPROVED*

The minutes of the budget workshop meeting of June 7, 2021 were presented for approval. Dan Olsen **moved** to approve the minutes as presented. Dennis Long **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

#### *MINUTES APPROVED*

The minutes of the regular city council meeting of June 10, 2021 were presented for approval. Dan Olsen **moved** to approve the minutes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was brought forward.

#### *FOLLOW UP ITEMS FROM PREVIOUS MEETING*

Heidi Lundberg presented the bills for payment in the amount of \$46,656.88. Dennis Long **moved** to approve payment of the bills in the amount of \$46,656.88. Kenneth Reynolds **seconded** the motion the motion passed with the

#### *APPROVAL OF THE BILLS*

following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received for **JNR Transport** located at 1541 S 460 E. Joshua stated this is being brought back again for discussion. He said they went through the ordinance and there is nothing in the land use ordinance that prohibits larger trucks from being in residential zones, but there is a city ordinance that prohibits a truck or trailer or combination over 20 feet cannot be parked on the road. Councilman Kitchen said this person has a fifth wheel hotshot trailer parked on the road for more than three weeks in front of his house, we want to enforce that. He also has six different vehicles parked in the back plus his truck and 5 th wheel trailer, he expressed he does not think it is the intent of the city to have a trucking business in residential zones. There is a lot of traffic and vehicles parked there. It is a big concern of his. It is not a through subdivision. He does not feel comfortable approving this one. Mayor Baker said there are others that are doing this type of business. Mr. Bake said the issue is do we have anything to prohibit it, as it stands, we do not have grounds to reject it; there are conditions listed on the application. We can enforce the trailer on the road. If he has more than one truck parked there, we can enforce that as well and revoke his business license. Councilman Kitchen mentioned we can set conditions. Mayor Baker said there was a time when we did not allow them in an R1 zone. There is one parked at the Farm Subdivision that did not get a permit or anything. Mr. Bake said the council should consider when it is a business, or it is a personal vehicle; this one is a business. Councilman Reynolds asked if we could reject it. Mr. Bake said we cannot deny it arbitrarily. Councilman Kitchen asked if we could tighten up the conditions concerning the number of vehicles parked there. Mr. Bake mentioned we could tighten up the conditions if it fits in the home occupation permit; we need to be mindful of what precedent we are setting, there is a fine line we need to be careful. Councilman Kitchen said there are a lot of vehicles parked at that residence. Mr. Bake said we could limit the number of vehicles. Councilman Kitchen mentioned they would be considered personal

***BUSINESS LICENSE  
APPROVALS***

vehicles though. Mayor Baker said there are others that are parking a semi at their residence. We did approve one recently down on 2000 E. Councilman Kitchen asked about condition number 5 concerning neighbor complaints. Mr. Bake said if any complaint comes forth it needs to be addressed immediately. Mayor Baker said number 6, valid written unresolved complaints may result in the business license being revoke, should cover number 5. Councilman Hall said we cannot reject this, but the trailer on the road is a separate issue. Councilman Long suggested we change number 1 to trailers not just tractor trailers. Councilman Kitchen said we need to tighten up the conditions. Rob Hall **motioned** to approve the business license with the amendment of the conditions to follow our ordinance for no tractor trailers or other trailers for the business parked on the road and no other vehicles that are used for the business to be parked at the residence or on the city road. Dan Olsen **seconded**. The motioned passed with all voting in favor.

A business license for L & M Restaurants located at 1408 E Hwy 40 was presented for approval. Mr. Bake explained this is a food truck that is being associated with Grandpa Bones. The conditions are standard for our food trucks and recommended to approve with those conditions. Dennis Long **moved** to approve the license. Kenneth Reynolds **seconded** the motion. All voted in favor.

No one was present for the Junior Livestock report so Mayor Baker moved on.

Mr. Bake said this came before the planning commission a few months ago, they had a public hearing on February 18, 2021, it was approved with a unanimous vote. Currently in our land use ordinance for development, there are four options for improvement assurances: a bond, an escrow account, an irrevocable letter of credit, or property bond. In the Farm Subdivision they were able to put up some of their future lots as the bond to get the improvements done, which is an example why we want to remove this. It is becoming problematic because they have lots they want to sell, and it is tying it up for individuals wanting to buy lots. It has its place, but it has become problematic for the city. Planning Commission voted unanimous to remove property bonds as one of those options. Mayor Baker said we are covered with the other three options. Our biggest concern is not getting a piece of property developed correctly. Gordon asked if we remove it, would Ray have to come in and choose another

#### ***UINTAH BASIN JUNIOR LIVESTOCK REPORT***

#### ***APPROVE CHANGE TO LAND USE ORDINANCE CHAPTER 02-31-010 REMOVING PROPERTY BONDS ORDINANCE 21- 234***

option. Mr. Bake said no, he would be grandfathered in. Gordon **motions** to follow recommendation of planning commission. Mayor said if Ray wants to continue to develop that last phase and do property bonds after we take this off, it will be gone. He asked if Ray knows that. Councilman Kitchen said we should not do it around his needs. Dennis **seconded**. The motion passes with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. Bake explained the rates overall stay the same, the city and employee contribution is changing but overall is staying the same. Robert Hall **moved** to approve the rates. Dan Olsen seconded the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. Bake explained we have to pass this every year to establish those salaries and is published and posted. We need do this before July 1<sup>st</sup>. Dennis Long made the **motion** to approve Ordinance 21-237 Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. Bake said we got our final sales and highway tax, and we came in above projections on both. Sales tax came within \$16,000 of estimated and highway tax came within \$9,000. The final numbers amended to \$2,304,669; capital project roads amended to \$192,280; municipal building project amended to \$93,154; capital project park fund amended to \$10,000; and vitalization fund amended to \$51,654. Dan Olsen **moved** to approve Resolution 21-335. Robert Hall

***APPROVE URS FY  
2021/2022 RATES***

***APPROVE ORDINANCE 21-  
237 ESTABLISHING AND  
REAFFIRMING THE  
SALARIES OF ELECTED  
AND STATUTORY  
OFFICIALS***

***APPROVE RESOLUTION  
21-335 AMENDING FY  
2020/2021 BUDGETS***

**seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. Bake said we are adopting the budget in the amount of \$2,451,666; debt service fund in the amount of \$142,225; asset acquisition in the amount of \$7,923; equipment replacement fund in the amount of \$15,000; capital project road fund in the amount of \$120,000; and municipal building project fund in the amount of \$10,000. Dennis Long **moved** to approve Resolution 21-336. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***APPROVE RESOLUTION  
21-336 ADOPTING FY  
2021/2022 BUDGETS***

Mayor said the Wasatch front is shutting down fireworks in any municipality. The league sent an email about banning fireworks and what it takes for us to ban fireworks in the city, the fire marshal must do it. The parks want to shut down all fireworks in all parks. Councilman Kitchen said the Rec District cannot do anything legally. Councilman Hall said he talked with the fire marshal, and he said there are cost benefits on both sides, as far as the fire chief and Jeremy Raymond are concerned, they would ask that we do not prohibit fireworks at the parks, but saying you only do fireworks at the parks otherwise everyone will be doing them in their homes. Councilman Long mentioned there was an article in the newspaper saying no fireworks at the parks. It was mentioned the fire marshal is the only one that can do that. Councilman Kitchen explained the Rec District's concern is when you prohibit fireworks at homes everyone goes to the park with fireworks going every direction. Councilman Long asked if the county Rec District can shut down our park to fireworks. Councilman Hall said legally they cannot do that. Both sides have a point that makes sense. Mayor Baker mentioned the cleanup is another concern. Councilman Kitchen said that is not a problem, they have a tournament that goes and cleans up, the biggest concern is safety. Mayor Baker asked if we were to ban fireworks, do we want

***DISCUSSION ON  
FIREWORKS***

to do our 24<sup>th</sup> of July fireworks? Councilman Kitchen said the 4<sup>th</sup> of July fireworks are still going on; they are just trying to stop all the amateurs. Mayor Baker said we should be justified in doing them. Councilman Olsen said we will follow Jeremy Raymond's orders.

Mr. Bake said the city has a computer replacement program which was set up on a 3-year cycle but IRS 945 chapter 4 it says five years. The request is Josh's computer is over 6 1/2 years, requesting the council to surplus to Josh when he leaves; all data is backed up. Requesting surplus Heidi's iPad at \$120 value. Councilman Kitchen has no problem with surplus, he has a problem with perception. When we surplus other equipment do we advertise or are we required to advertise and put into bid so we don't have a perception. Councilman Hall said we have a policy, and just go according to that. Robert Hall **moved** to surplus the items if it meets our city policy and how we surplus it. Gordon Kitchen **seconded**. The motion passed with all voting aye.

***APPROVE GENERAL  
SURPLUS OF ITEMS***

Mr. Bake mentioned for our July 24<sup>th</sup> celebration Wet and Wild Rentals is doing a big event, making a holly days type of event at Naples City on July 24<sup>th</sup>. He wants to do it all for free in conjunction with the fireworks; he will have insurance. Mayor Baker stated if we are covered that way with insurance, he does not have a problem with it. Councilman Kitchen asked if we could shoot a memo to the Rec District asking the splash park be made available and open.

***OTHER MATTERS -  
FUTURE COUNCIL  
MATTERS***

Discussion to cancel July 8<sup>th</sup> meeting: Mayor said Nikki might not be back and he wants to go to the rodeo. Robert Hall **moved** to cancel the July 8<sup>th</sup> meeting. Dennis Long **seconded** the motion. The motioned passed with all voting aye.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting. Dan Olsen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 22<sup>nd</sup> DAY OF JULY 2021

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_